

**REMARKS**

The Office Action dated September 9, 2003 has been received and carefully studied.

Claims 1 and 5 have been amended, claim 2 has been canceled, and new claim 36 has been added. Claims 1, 3-9, 28-30, and 36 are in the application. Reconsideration is respectfully requested.

The Examiner has indicated that the IDS filed on Nov. 1, 2001 has been separated from the file. A copy of this IDS as filed is submitted herewith as the Examiner has requested.

The Examiner has objected to the Abstract on the grounds that the legal phrase "said" has been used. The Abstract has been revised to remove this word.

The Examiner has noted a typographical error in claim 5. Claim 5 has been amended to remove the term "avoid."

Applicants have added new claim 36, depending from claim 1. Claim 36 recites that the rest stand is substantially wider than the end of the handle. This feature is shown in Fig. 2 of the pending application and no new matter has been added.

Claims 1-9 and 28-30 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,561,428 to Meier et al. in view of either of Patent Nos. 6,234,359 to Chadima, Jr. et al. or 6,412,699 to Russell.

The Meier, Chadima, and Russell references each disclose hand-held bar code scanning devices. However, none of the configurations disclosed in these patents includes "a transverse rest stand on an end of said handle remote from said electronic housing" as recited in claim 1, as amended. This limitation was originally recited in canceled claim 2. (Applicants also note that the Examiner did not specifically address this feature in the office action.) Because the cited art does not disclose a transverse

rest stand as recited in claim 1, applicants submit that the rejection of claim 1 as being obvious over Meier in view of either Chadima or Russell has been traversed and should be withdrawn. Claims 3-9 and 36 depend from claim 1 and define over this art for at least the same reasons as claim 1.

With respect to the rejection of claims 28-30, applicants respectfully disagree with the Examiner. Claim 28 recites how the internal and external components of the assembly are arranged. Neither the Russell nor the Meier patents disclose how the internal components of the scanner are assembled. Accordingly, the combination of Meier and Russell would not result in the invention as recited in claim 28. The Chadima patent, in Figs. 2 and 3, does provide views of the internal assembly. However, this assembly does not include a chassis mounted between upper and lower housing members, where a display is mounted in an upper recess of the chassis, a first circuit is mounted in a lower recess of the chassis, and a second circuit is mounted to the chassis to cover the lower recess and the first circuit as recited in claim 28. Accordingly, Chadima does not cure the deficiency of Meyer and, therefore, the combination of Meier and Chadima would also not result in the invention as recited in claim 28.

Accordingly, the rejection of claim 28 as being obvious over Meier in view of either Chadima or Russell has been traversed and should be withdrawn. Claims 29-30 depend from claim 28 and define over this art for at least the same reasons as claim 28.

Claims 1-9 and 28-30 also stand rejected on the grounds of non-statutory obviousness type double patenting based on the Meier, Russell and Chadima patents, in further view of either of Patent No. 6,158,622 to Kahn et al. and Patent 6,502,754 to Bhatia et al., each assigned to the assignee of the present application.

Submitted herewith is a Terminal Disclaimer with respect to Patent 6,502,754 to Bhatia.

With respect to the double patenting rejection in view of the Kahn patent, applicants submit that the rejection is improper because Kahn does not disclose a transverse rest stand as recited in pending claim 1 and also does not disclose the configuration of the chassis, circuits, and display recited in claim 28. Accordingly, even if the teachings of Kahn were combined with those of Meier and Russell or Chadima, the combination would not result in the invention recited in claims 1 and 28 and therefore these claims are not obvious in view of these references.

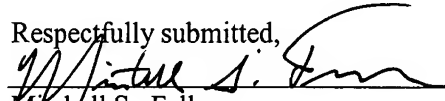
Applicants therefore submit that the obviousness type double patenting rejections has been traversed and should be withdrawn.

CONCLUSION

Each and every point raised by the Examiner has been addressed by the above amendments and remarks. Withdrawal of the present rejections and reconsideration is respectfully requested. It is believed that the application is in condition for allowance. However, should the Examiner believe that direct contact with the applicant's attorney would advance the progress of the application, the Examiner is invited to telephone the undersigned at the number below.

Date: Dec 11, 2003

Respectfully submitted,

  
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